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09/747,547	12/22/2000	Christopher N. Japp	GEMS:0121/yod 15-EC-5772	2102
7590	02/03/2005		EXAMINER	
Patrick S. Yoder Suite 330 7915 FM 1960 West Houston, TX 77070			CHOJNACKI, MELLISSA M	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/747,547

Applicant(s)

JAPP ET AL.

Examiner

Melissa M Chojnacki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunworth et al., (U.S. Patent No. 5,930,474), in view of Killcommons et al. (U.S. Patent No. 6,424,996).

As to claim 1, Dunworth et al. teaches a method for locating a medical resource (See Fig. 18; abstract), the method comprising:

electronically directing client data transmitted from a remote interface to a medical locator system via a network, the client data comprising a desired geographic region for locating a desired medical resource for at least one of the multiple modalities (See abstract; column 2, lines 42-49, where "medical resources" is read on "topical information");

searching a database for the desired medical resource (See abstract; column 3, lines 6-9, lines 46-65);

locating at least one of the desired medical resources based on the desired geographic region (See abstract; column 2, lines 42-49, where "medical resources" is read on "topical information"); and

electronically transmitting locator information to a client via the network (See column 2, lines 34-39, lines 59-62), the locator information allowing the client to locate the desired medical resource (See column 6, lines 46-65, where "medical resource" is read on "topic").

Dunworth et al. does not teach wherein the medical locator system is configured for multiple modalities.

Killcommons et al. teaches a medical network system and method for transfer of information (See abstract), in which he teaches wherein the medical locator system is configured for multiple modalities (See abstract; column 1, lines 49-60; column 3, lines 58-64).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Dunworth et al., to include wherein the medical locator system is configured for multiple modalities.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al., by the teachings of Killcommons et al., because wherein the medical locator system is configured for multiple modalities would allow for transfer of complex data from a variety of modalities over e-mail and web browser systems (See Killcommons et al., column 3, lines 52-55).

As to claims 2 and 17, Dunworth et al. as modified, teaches wherein electronically directing via the network comprises electronically directing via the

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Internet (See Dunworth et al., column 1, lines 6-10); wherein the network comprises the Internet (See Dunworth et al., column 1, lines 6-10).

As to claims 3, 18 and 40, Dunworth et al. as modified, teaches comprising providing the remote interface with a form for selecting the desired geographic region (See Dunworth et al., abstract; column 1, lines 37-44; column 2, lines 42-44; column 5, lines 43-54); wherein the remote interface comprises a server to communicate between the remote interface and the resource locator system via the network (See Dunworth et al., abstract; column 1, lines 37-44; column 2, lines 42-44; column 5, lines 43-54); wherein electronically directing comprises providing a server to procure network communication between the remote interface and the medical locator system (See Dunworth et al., abstract; column 1, lines 37-44; column 2, lines 42-44; column 5, lines 43-54).

As to claims 4, 20, 23, 28 and 31, Dunworth et al. as modified, teaches comprising receiving a selection of the desired medical resource from a plurality of medical resources (See Dunworth et al., column 2, lines 42-58; also see Killcommons et al., column 1, lines 49-60; column 7, lines 23-29); wherein the form comprises a field for selecting the desired medical resource from a plurality of medical resources (See Dunworth et al., column 2, lines 42-58; also see Killcommons et al., column 1, lines 49-60; column 7, lines 23-29); wherein the client data comprises multiple selections of desired medical resources from a plurality of medical resources (See Dunworth et al., column 2, lines 42-58; also

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see Killcommons et al., column 1, lines 49-60; column 7, lines 23-29); wherein the resource locator system comprises a locator database having a plurality of addresses for the desired medical resource (See Dunworth et al., column 2, lines 42-58; also see Killcommons et al., column 1, lines 49-60; column 7, lines 23-29); wherein the client data comprises multiple selections of desired medical resources from a plurality of medical resources (See Dunworth et al., column 2, lines 42-58; also see Killcommons et al., column 1, lines 49-60; column 7, lines 23-29).

As to claims 5-8, 21-22, 30 and 39, Dunworth et al. as modified, teaches wherein receiving the selection from the plurality of medical resources comprises receiving the selection from multiple modalities (See Killcommons et al., Abstract; column 1, lines 49-60; column 3, lines 58-64; column 7, lines 23-29); wherein receiving the selection from the plurality of medical resources comprises receiving the selection from a plurality of medical imaging systems (See Killcommons et al., Abstract; column 1, lines 49-60; column 3, lines 58-64; column 7, lines 23-29); wherein receiving the selection from multiple modalities comprise receiving the selection from multiple modalities comprising computed tomography (See Killcommons et al., Abstract; column 1, lines 49-60; column 3, lines 58-64; column 7, lines 23-29); wherein receiving the selection from multiple modalities comprises receiving the selection from multiple modalities comprising magnetic resonance imaging (See Killcommons et al., Abstract; column 1, lines 49-60; column 3, lines 58-64; column 7, lines 23-29); wherein the client data

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comprises a selection of the desired medical resource from a plurality of modalities (See Killcommons et al., Abstract; column 1, lines 49-60; column 3, lines 58-64; column 7, lines 23-29); wherein the client data comprises a selection of the desired medical resource from a plurality of medical imaging systems; wherein the query form comprises a field for selecting the desired medical resource from a plurality of medical resources comprising multiple modalities (See Killcommons et al., Abstract; column 1, lines 49-60; column 3, lines 58-64; column 7, lines 23-29); wherein electronically directing client data comprises electronically directing client data comprising a selection from a plurality of medical resources comprising multiple modalities (See Killcommons et al., Abstract; column 1, lines 49-60; column 3, lines 58-64; column 7, lines 23-29).

As to claims 9, 24, 32 and 41, Dunworth et al. as modified, teaches comprising locating the desired medical resource via address data for the desired geographic region (See Dunworth et al., column 10, lines 1-6, lines 19-23; column 24, lines 35-39); wherein the client data comprises address data for the desired geographic region (See Dunworth et al., column 10, lines 1-6, lines 19-23; column 24, lines 35-39); wherein the client data comprises address data for the desired geographic region (See Dunworth et al., column 10, lines 1-6, lines 19-23; column 24, lines 35-39); comprising geographically locating the at least one medical resource via address data for the desired geographic region (See Dunworth et al., column 10, lines 1-6, lines 19-23; column 24, lines 35-39).

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As to claims 10, 25, 33 and 42, Dunworth et al. as modified, teaches comprising locating the desired medical resource via a postal code for the desired geographic region (See Dunworth et al., column 24, lines 36-39); wherein the client data comprises a zip code for the desired geographic region (See Dunworth et al., column 24, lines 36-39); wherein the client data comprises a zip code for the desired geographic region; comprising geographically locating the at least one medical resource via a zip code for the desired geographic region (See Dunworth et al., column 24, lines 36-39).

As to claims 11 and 27, Dunworth et al. as modified, teaches comprising locating via the address data of the remote interface (See Dunworth et al., abstract; column 1, lines 37-44; column 2, lines 42-44); wherein the map system is remote from the resource locator system (See Dunworth et al., abstract; column 1, lines 37-44; column 2, lines 42-44).

As to claims 12 and 34-35, Dunworth et al. as modified, teaches wherein locating comprises ranking in order of proximity to the desired geographic region (See Dunworth et al., column 7, lines 34-44); wherein the location results page comprises a plurality of geographic locations for the desired medical resource ranked in order of proximity to the desired geographic region (See Dunworth et al., column 7, lines 34-44); wherein the location results page comprises a list of addresses for the desired medical resource in closest proximity to the desired geographic region (See Dunworth et al., column 7, lines 34-44).



As to claims 13, 19 and 43, Dunworth et al. as modified, teaches wherein electronically transmitting locator information comprises providing a list of addresses for the desired medical resources in closest proximity to the desired geographic region (See Dunworth et al., Fig. 10-12 and 18; column 2, lines 42-44; column 5, lines 6-16, lines 30-32, lines 52-54; column 7, lines 61-64); wherein the form comprises a field for selecting the desired geographic region (See Dunworth et al., Fig. 10-12 and 18; column 2, lines 42-44; column 5, lines 6-16, lines 30-32, lines 52-54; column 7, lines 61-64); wherein allowing the client to view the locator information via the resource location report comprises providing a list of addresses for the at least one medical resource in closest proximity to the desired geographic region (See Dunworth et al., Fig. 10-12 and 18; column 2, lines 42-44; column 5, lines 6-16, lines 30-32, lines 52-54; column 7, lines 61-64).

As to claims 14-15, 26, 36-37 and 44-45, Dunworth et al. as modified, teaches wherein electronically transmitting locator information comprises providing a map illustrating a geographic location of the desired medical resource (See Dunworth et al., abstract; column 7, lines 61-64; column 8, lines 49-58); comprising linking the medical locator system to a map system for mapping out a geographic location of the desired medical resource based on the desired geographic region (See Dunworth et al., abstract; column 7, lines 61-64; column 8, lines 49-58); comprising a map system for mapping out a geographic location of the desired medical resource based on the desired geographic region (See

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Dunworth et al., abstract; column 7, lines 61-64; column 8, lines 49-58); wherein the location results page comprises a map illustrating a geographic location of the desired medical resource (See Dunworth et al., abstract; column 7, lines 61-64; column 8, lines 49-58); comprising a map system remote from the resource locator system for mapping out a geographic location of the desired medical resource based on the desired geographic region (See Dunworth et al., abstract; column 7, lines 61-64; column 8, lines 49-58); wherein allowing the client to view the locator information via the resource location report comprises providing a map illustrating a geographic location of the at least one medical resource (See Dunworth et al., abstract; column 7, lines 61-64; column 8, lines 49-58); comprising linking the medical locator system to a remote map system for mapping out a geographic location of the at least one medical resource based on the desired geographic region (See Dunworth et al., abstract; column 7, lines 61-64; column 8, lines 49-58).

As to claim 16, Dunworth et al. teaches an information system for locating a medical resource (See Fig. 18; abstract), the information system comprising:

a remote interface configured for exchanging information with the resource locator system via a network (See column 2, lines 34-39, lines 59-62), the remote interface having a form for transmitting client data to the resource locator system (See abstract; column 2, lines 42-49), the client data comprising a desired geographic region for locating the desired medical resource (See abstract; column 2, lines 42-49, where "medical resource" is read on "topical information";

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also see column 3, lines 46-65), wherein the resource locator system is configured to evaluate the client data and to locate at least one of the desired medical resources based on the desired geographic region (See column 6, lines 46-65, where "medical resource" is read on "topic"; also see column 3, lines 46-65).

Dunworth et al. does not teach a resource locator system configured for locating a desired medical resource.

Killcommons et al. teaches a medical network system and method for transfer of information (See abstract), in which he teaches a resource locator system configured for locating a desired medical resource (See abstract; column 1, lines 49-60; column 3, lines 58-64).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Dunworth et al., to include a resource locator system configured for locating a desired medical resource.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al., by the teachings of Killcommons et al., because a resource locator system configured for locating a desired medical resource would allow for transfer of complex data from a variety of modalities over e-mail and web browser systems (See Killcommons et al., column 3, lines 52-55).

As to claim 29, Dunworth et al. teaches a locator system for geographically locating a healthcare facility (See Fig. 18; abstract), the system comprising:

an address database of medical resources (See abstract; column 3, lines 6-9, lines 46-65); and

a remote interface configured for exchanging information with the resource locator system via a network (See column 2, lines 34-39, lines 59-62), the remote interface comprising a query form for transmitting client data to the resource locator system (See abstract; column 2, lines 42-49), the query form having a field for entering a desired geographic region for locating the desired medical resource, and a location results page having locator information for the desired medical resource (See column 6, lines 46-65, where "medical resource" is read on "topic"; also see column 3, lines 46-65).

Dunworth et al. does not teach a resource locator system configured for locating a desired medical resource.

Killcommons et al. teaches a medical network system and method for transfer of information (See abstract), in which he teaches a resource locator system configured for locating a desired medical resource (See abstract; column 1, lines 49-60; column 3, lines 58-64).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Dunworth et al., to include a resource locator system configured for locating a desired medical resource.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al., by the teachings of Killcommons et al., because a resource locator system configured for locating a desired medical resource would allow for transfer of complex data from a variety of modalities over e-mail and web browser systems (See Killcommons et al., column 3, lines 52-55).

As to claim 38, Dunworth et al. teaches electronically directing client data transmitted from a remote interface to a medical locator system via a network, the client data comprising a desired geographic region for locating at least one medical resource from the plurality of medical resources (See abstract; column 2, lines 42-49, where "medical resources" is read on "topical information");

searching a medical locator database for the at least one medical resource (See abstract; column 3, lines 6-9, lines 46-65);

geographically locating the at least one medical resource based on the desired geographic region (See abstract; column 2, lines 42-49, where "medical resource" is read on "topical information");

electronically transmitting locator information to a client via the network (See column 2, lines 34-39, lines 59-62), the locator information allowing the client to locate the desired medical resource (See column 6, lines 46-65, where "medical resource" is read on "topic"); and

allowing the client to view the locator information via a resource location report viewable with the remote interface (See abstract; column 1, lines 37-44).

Dunworth et al. does not teach a method for locating at least one medical resource from a plurality of medical resources.

Killcommons et al. teaches a medical network system and method for transfer of information (See abstract), in which he teaches a method for locating at least one medical resource from a plurality of medical resources (See abstract; column 1, lines 49-60; column 3, lines 58-64).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Dunworth et al., to include a method for locating at least one medical resource from a plurality of medical resources.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dunworth et al., by the teachings of Killcommons et al., because a method for locating at least one medical resource from a plurality of medical resources would allow for transfer of complex data from a variety of modalities over e-mail and web browser systems (See Killcommons et al., column 3, lines 52-55).

### ***Response to Arguments***

3. Applicant's arguments filed on 13-August-2004, with respect to the rejected claims 1-45 have been fully considered but they are not found to be persuasive:

In response to applicants' arguments regarding independent claim 1, that Killcommons et al., does not teach "the medical locator system configured for

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multiple modalities". Dunworth et al. teaches locating/browsing for information based on geography (See abstract; column 2, lines 49-52). Killcommons et al. teaches medical information derived from many medical modalities in different locations (See abstract; column 49-53; column 2, lines 29-31). Combining Dunworth et al. with Killcommons et al. would not only allow locating/browsing medical information based on geography but the system can be specifically used to located specific medical modalities in different geographical locations for sending or receiving medical resource information.

In response to applicants' arguments regarding independent claims 16 and 29 that neither reference teaches, "a locator system configured to utilize such location or descriptive data". Dunworth et al. teaches locating/browsing for information based on geography/location and Killcommons et al. teaches modalities sending and receiving information to and from different locations. Combining the two references would allow to locating/browsing different medical modality information.

In response to applicants' arguments regarding independent claims 38 that Killcommons et al. does not teach "locating medical resource associated with a modality, much less locating a medical resource in general". Examiner respectfully disagrees. Killcommons et al. teaches receiving/sending medical information derived from different modalities in different locations and combined with Dunworth et al., who teaches locating/browsing for information based on geography/location, would teach "locating medical resource associated with a modality.

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Therefore, independent claims 1, 16, 29 and 38 stand rejected and dependent claims 2-15, 17-28, 29-37 and 39-45 are also rejected because they are dependent on reject independent claims 1, 16, 29 and 38.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax



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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mmc  
January 7, 2005



**SAM RIMELL**  
**PRIMARY EXAMINER**